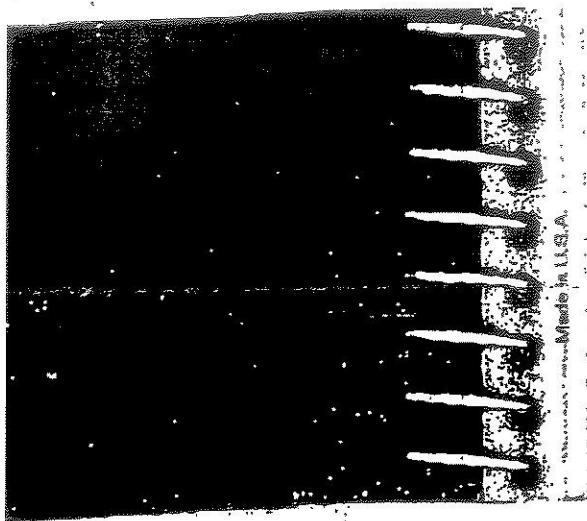


11/2006 17:21

1543

PAGE 11



FOR Mayor DATE 4/17 TIME 12:00
M David Davis
OF _____
PHONE ☐ FAX ☐ MOBILE 291-1927
AREA CODE NUMBER EXTENSION
MESSAGE 16. City proposals
to remove no-parking with signs
else:
SIGNED [Signature] TIME FOR



DVS0000000005

/11/2005 17:21

1543

PAGE 10

04/19/2006

Wallace Hunter, Fire Chief

On Monday April 17, 2006 I placed a call to Mayor Jeff Hardin's office. As President of the Phenix City Firefighters Association/Local -3668, I made this call in regards to some labor issues in which I had concerns with. Mayor Hardin returned my call later that evening and we discussed the issues in which I wanted to address.

Respectively,



David P. Davis

EXHIBIT

16

DVS000000009

/11/2006 17:21 1543

PAGE 16



Phenix City Fire/Rescue Services

1111 Broad Street
Phenix City, Alabama 36867
(334) 448-2817 Fax (334) 291-4755



H.H. Roberts, City Manager

Roy Waters
Deputy Chief

Wallace B. Hunter
Fire Chief

Kristin Kennedy
Assistant Chief/Fire Prevention

Kenneth Johansen Assistant Chief
Mickyal Hanson Assistant Chief

James Jackson Assistant Chief
Bobby Brooks Captain/Training Officer

Memo

To: H.H. Roberts, City Manager

From: Wallace B. Hunter, Fire Chief W.B.H.

Date: April 20, 2006

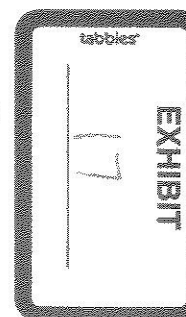
CC: Barbara Goodwin, Personnel Director

Re: Sergeant David Davis Merit System and S.O.P. Violations

This memo is to inform you about a conversation between Personnel Director Barbara Goodwin and myself about the city's new probation time for new hires for Public Safety. During this conversation, I was informed that one of our firefighters, Sgt. David Davis, called Mayor Hardin to discuss or complain about the new policy. This is a clear violation of our Merit System and S.O.P's. Sgt. David Davis was counseled on this type of violation in September 2005 and he signed indicating his understanding of this violation.

On Wednesday, April 19, 2006, Deputy Chief Roy Waters met with Sgt. Davis and asked him why he violated the chain of command and Merit System to call Mayor Hardin. His response was that as president of the Phenix City Firefighters Association/Legal-3668; he made a call in regards to labor issues in which he had concerns with. Mayor Hardin returned his call later that evening and they discussed the issues in which he wanted to address.

David Davis has made it clear that he will not adhere to our Merit System grievance process or the department and city's standard operating procedures. Mayor Hardin should refer any employee violating the chain of command, as indicated in our merit system back to their department head, personnel department or city manager. Failing to do so is a violation of our city charter. This continued disrespect of the city's policies and procedures from Sgt. Davis has made it very difficult for me to expect other members of the fire department or the city to adhere to any



DVS000000007

/11/2006 17:21

1543

PAGE 17

policies and procedures if he's allowed to continue any further with this type behavior.

I also feel very strongly that someone should speak with Mayor Hardin about this sensitive issue of interfering with the jobs that department heads are trying to do to keep their departments running smoothly and effectively.

DVS000000008

WRITTEN WARNING FORM

Emp. # 1299
 Employee David Davis Date April 20, 2006
 Date of Hire 4/27/1998 SS# _____
 Department Fire Rescue Services Division Operations

This written warning was issued to the above named employee this date for the following violation(s) of the Merit System Rules and Regulations:

Group II Line # 4 which states:
 "Negligence or omission in complying with the requirements as set forth in miscellaneous rules". AND
 Group III Line #6 which states: "Insubordination by the refusal to perform work assigned/to comply with written or verbal instructions of the supervisory force".

DETAILS OF MERIT SYSTEM VIOLATION

Document detailed description of violation including date, time and nature of each occurrence:

On April 17, 2006 at 12:30 p.m. Driver Engineer David Davis called Mayor Hardin regarding City proposals. Mayor Hardin was not in and David Davis asked to leave a message for Mayor Hardin to return his phone call. David Davis stated he would not speak with anyone else.

Prior Verbal or Written Corrective Actions (give date, reason and action)

September 20, 2005- Violation of directive from Chief Wallace B. Hunter regarding free speech and grievances. Violation of ASOP 12: #1 If a member of the department has a problem with the department, another Department, or City operations and procedures which are work-related and finds it necessary to go above his/her immediate supervisor, he/she must notify the supervisor of the intention to do so. #3 If a problem cannot be solved by anyone in the chain of command, then the City Manager will arrange a hearing with the City Council.

August 22, 2005- Counseling Memorandum: David Davis ordering a firefighter to do 25 pushups for forgetting his uniform shirt when reporting for duty. August 3, 2005- Written Warning Form, Group II Line 2 which states "threatening, intimidating, coercing, or interfering with fellow employees or supervisors at anytime, including abusive language". March 15, 2005- letter addressed to Mr. Thomas H. Malone, Jr. in regards to handling of personnel issues. October 25, 2004- Counseling Form: Group I Line 13 Violating a safety rule or safety practice. August 2, 2004- Counseling Form: Backing the fire apparatus without proper placement of guides resulting in a vehicle accident. September 19, 2002- Written Reprimand: Mistakes due to carelessness.
 Current Corrective Action Take

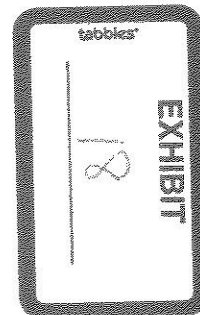
Discharge as per Merit System Rules and Regulations for second Group II Offense. Discharge as per Merit System Rules and Regulations for first Group III Offense (pages 53 and 54).

Employee's comments to written warning:

In regards to certain the Mayor I was acting
 in my capacity as President of the Phoenix Fire Fighters Association
 Local 1600 and as a Fire Engineer with the City of Phoenix City.
 I will seek review board hearing

(Over)

DVS000000030



5/11/2006 17:21 1543

PAGE 15

Additional Comments:

This written warning is intended to give you an opportunity to correct your work performance and conduct in the future. Failure to do so will subject you to further corrective action as stated in the Merit System Rules and Regulations and could result in your dismissal from employment with the City of Phenix City.

4-21-06

Date

Supervisor's Signature

I acknowledge this written warning has been discussed with me and understand this notice will become part of my personnel file. I further acknowledge I have been informed of my right to appeal the disciplinary action taken against me to the Appeals Board or the Personnel Review Board. My request must be submitted in writing to the Personnel Director within three (3) working days for the Appeal Board and within ten (10) working days for the Personnel Review Board. Probationary employees are not entitled to a Personnel Review Board Hearing as stated in Section 15.011 of the Merit System Rules and Regulation.

Employee Signature

Personnel Director

Department Head

Date

Date

Date

Routing:

____ Personnel File ____ Personnel Director

____ Employee

11/2006 17:21 1543

PAGE 83



City of PHENIX CITY Alabama

601-12th STREET
PHENIX CITY, ALABAMA 36867

JEFF HARDIN
MAYOR

RAY BUSH
COUNCIL MEMBER AT LARGE

JOHN STOREY
COUNCIL MEMBER DISTRICT 1

GAIL BRANTLEY
COUNCIL MEMBER DISTRICT 2

ARTHUR SUMBRY
COUNCIL MEMBER DISTRICT 3

Bubba) ROBERTS
CITY MANAGER

BARBARA GOODWIN
PERSONNEL DIRECTOR

MARTHA HARRIS
CITY CLERK

END OF EMPLOYMENT FORM CITY OF PHENIX CITY

The employment of David Paul Davis Emp # 1299 ended

April 21, 2006 for the following reason:

 Resigned X Dismissed Deceased Retired Other

If resigned, dismissed, retired or other explain below

If deceased-Date of death below

Group II Line 4 which states " Negligence or omission in complying with the requirements as set forth in miscellaneous rules". AND Group III Line # 6 which states " Insubordination by the refusal to perform work assigned/to comply with written or verbal instructions of the supervisory force."

11/1/06
EMPLOYEE

195 600 Rd 236

Phenix City AL 36870
Mailing Address

04/21/2006 10:11
DATE AND TIME SIGNED

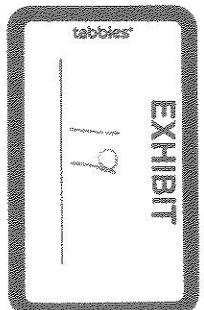
CITY MANAGER

Barbara Goodwin
PERSONNEL DIRECTOR

Wallace B. Hunter
DEPARTMENT HEAD

FIRE
DEPARTMENT

DIVISION



DVS000000006

4/11/2006 17:21 1543


PAGE 13

04/28/2006

Barbara Goodwin/Personnel Director,

I am humbly requesting an appeal hearing to the personnel board for the disciplinary actions and termination that was taken against me April 21, 2006. I respectfully ask that this hearing not occur until after May 12, 2006, for I will be out of town. In addition, I will be using legal counsel and ask that you inform me in writing, that I will be allowed to use legal representation during this appeal hearing.

Respectively,


David P. Davis
185 Lee Road 236
Phenix City, AL 36870
(334) 291-1927

EXHIBIT

tabbies
20

received
4/28/06

DVS000000003

May 16, 2006

The Personnel Review Board met at 6:00 PM on this date to hear the appeal of David Davis who was terminated on April 21, 2006 for violation of Merit System Rules and Regulations-Section 14.05, Group Two, Line 4, which states "Negligence or omission in complying with the requirements as set forth in miscellaneous rules" and Group III Line 6 which states " Insubordination by the refusal to perform work assigned/to comply with written or verbal instructions of the supervisory force".

Board members present were: Bobby Kilcrease, Chairman, Ford Duncan, James Welburn, Danny Redmon, Barbara Mitchell and Billy Sims. Also present were Bubba Roberts, City Manager, James P. Graham, Jr., City, Wallace Hunter, Fire Chief, and Barbara Goodwin, Personnel Director.

Mr. Davis was present and represented by Attorney Brian Polisuk, Danny Todd of the International Association of Firefighters and Thomas Malone, District Field Representative of the International Association of Firefighters.

Chairman Bobby Kilcrease called the meeting to order.

All potential witnesses were sworn in by City Manager Bubba Roberts. Jim Welburn made a motion to go into executive session to discuss the good name and character of the employee. Motion carried and the Board went into executive session. After discussion with the Chairman, Attorney Graham advised that the Board would not reconvene. Witnesses were dismissed to the lobby to wait. Mr. Davis, Mr. Polisuk, Mr. Todd, Mr. Malone and Chief Hunter remained in the conference room to present the case to the Board.

City Manager, Bubba Roberts stated to the Board the charges against Mr. Davis. Mr. Polisuk made an opening statement on the behalf of Mr. Davis and then questioned Mr. Davis in regards to the incident which led up to his dismissal. Mr. Davis was questioned by Attorney Graham. After Mr. Davis' testimony there were no other witnessed presented on behalf of Mr. Davis.

Attorney Graham called individually Deputy Fire Chief Roy Waters, City Manager Bubba Roberts and Personnel Director Barbara Goodwin for questioning. Mr. Polisuk questioned each after Attorney Graham.

Attorney Polisuk and Graham each made a closing statement to the Board.

After all testimony was given the Board privately convened to discuss the appeal. After discussion Chairman Bobby Kilcrease presented the City Manager with the following statement: "5-16-2006 The Personnel Review Committee met on May 16, 2006 to hear the appeal of Firefighter David Davis' termination from his employment with the City of Phenix City due to his violation of the City Merit System Rules and Regulations. After

EXHIBIT

21

hearing from all witnesses and Firefighter Davis, the committee unanimously upholds the decision to terminate Firefighter Davis.

Meeting was adjourned at approximately 9:30 PM.

Tape recording of the appeal hearing is made a part of these minutes.

Babity Kilcrease
Chairman

Barbara Gordon
Secretary

I WILL Attend

I WILL NOT _____

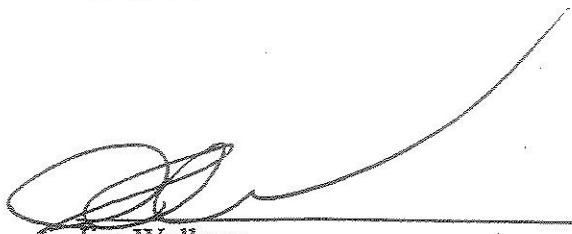
ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16, 2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S OFFICE.

Barbara Mitchell
Barbara Mitchell

I WILL  _____

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.



Jim Welburn

I WILL _____

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16, 2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S OFFICE.

Bluerh Aves
James P. Graham, Jr., City Attorney

James P. Graham, Jr., City Attorney

I WILL



I WILL NOT



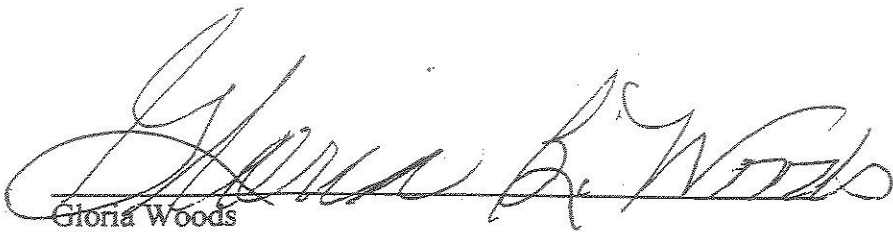
ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.


James R. McKoon, Jr. Attorney At Law

I WILL ☒

I WILL NOT ☐

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16, 2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S OFFICE.


Gloria Woods

I WILL _____

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.

Will advise

Daniel J. Redmon, Jr.

Daniel J. Redmon, Jr.

I WILL yes

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.

Bobby Kilcrease

Bobby Kilcrease

I WILL Billy Sims II

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16,
2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S
OFFICE.



Billy Sims, II

I WILL ✓

I WILL NOT _____

ATTEND THE PERSONNEL REVIEW BOARD HEARING ON TUESDAY, MAY 16, 2006 AT 6:00 P.M. IN THE CONFERENCE ROOM OF THE CITY MANAGER'S OFFICE.

Ford Duncan
Ford Duncan

I WILL ☒I WILL NOT ☐

ATEND THE PERSONNEL REVIEW BOARD HEARING ON
TUESDAY, MAY 16, 2006 AT 6:00 P.M. IN THE CONFERENCE
ROOMS OF THE CITY MANAGER'S OFFICE.

Wallace B. Hunter
Wallace Hunter, Fire Chief

ADARY PHOENIX BIRD



City of **PHENIX CITY** *Alabama*

601-12th STREET
PHENIX CITY, ALABAMA 36867
(334) 448-2751 - FAX (334) 448-2712

JEFF HARDIN
MAYOR

RAY BUSH
CITY MEMBER AT LARGE

JOHN STOREY
COUNCIL MEMBER DISTRICT 1

GAIL BRANTLEY
COUNCIL MEMBER DISTRICT 2

ARTHUR SUMBRY
COUNCIL MEMBER DISTRICT 3

(Bubba) ROBERTS
CITY MANAGER

BARBARA GOODWIN
PERSONNEL DIRECTOR

MARTHA HARRIS
CITY CLERK

May 18, 2006

David Davis
185 Lee Road 236
Phenix City, AL 36870

RE: Personnel Review Board Hearing

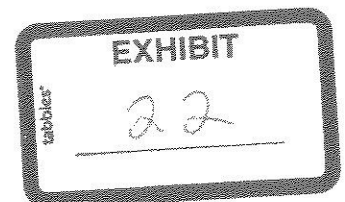
Dear Mr. Davis,

Please be advised that it is my determination along with the unanimous recommendation of the Personnel Review that your termination dated April 21, 2006 for violation of the Merit System Rules and Regulations Group II Line 4 and Group III Line 6 is upheld. Enclosed please find a copy of letter dated May 16, 2006 signed by Mr. Bobby Kilcrease, Chairman of the Personnel Review Board.

Sincerely,

H. H. Roberts
City Manager

cc: Bryan G. Polisuk
File



B4 www.ledger-enquirer.com/news

PC firefighters' representative terminated

David Davis says he was fired for contacting mayor

BY CHUCK WILLIAMS
Staff Writer

The president of the Phenix City Firefighters Association has been fired from the city's fire department.

David Davis, who has been with the department for eight years, was fired April 21. He said he has retained a Washington, D.C., lawyer affiliated with the International Association of Firefighters to represent him as he appeals the decision.

"I was told I was fired because I contacted the mayor on my off day as president of the local firefighter's association," Davis said.

Mayor Jeff Hardin was on vacation Friday and unavailable for comment. Davis said he talked with Hardin on April 17.

Phenix City Fire Chief Wallace Hunter and Deputy Chief Roy Waters both refused to discuss Davis' firing, saying it was a personnel matter.

Phenix City Manager Bubba Roberts confirmed Thursday that Davis' employment has been terminated. Roberts said he did not know the details and has left fire department personnel decisions to Hunter and Waters.

Last year, in a Ledger-

Enquirer article, Davis and nine other members of the department were highly critical of Hunter and some of the department's policies. Hunter, who has been with the department more than 20 years, has been the chief for almost a year.

"Morale is at the lowest point since I've been here," Davis said in September.

After that article, Davis and other members of the department were reprimanded for talking to the media.

The city does not recognize the Phenix City Firefighters Association as a union. The association has no collective bargaining power.

Late last year, Waters, who had weeks before retired as chief of the Columbus Fire and Emergency Medical Services Department, was hired to be the second-in-command in Phenix City.

Davis has appealed the firing to the Phenix City Personnel Review Board. The seven-member citizen panel appointed by Phenix City Council will hear his case. If Roberts disagrees with the review board's decision, the city manager can take the matter to the five-person City Council.

Human Resources Director Barbara Goodwin was out of the office Friday and no date for the hearing could be ascertained.



DVS000000049